

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.



ALSTON & BIRD LLP

90 Park Avenue
New York, NY 10016
212-210-9400
Fax: 212-210-9444

RECEIVED
OCT 25 2004
OIPE/JCWS

TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

Date:

10/22/2004

Recipient:

United States PTO

Company:

U.S. PTO

Fax Number:

703-746-4060

Voice Number:

703-308-1202

Sender:

Thomas J. Parker/Amy Manning

Re: Serial Appl. No. 10/786,680 for
"Gem Item Report Method and
System."

Message:

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following document is being transmitted to the U.S. Patent and Trademark office at facsimile number 703-746-4060 (for Notice of Missing Parts) on the date shown below:

1. Response to Notice of Missing Parts and Request for Extension of Time to Respond;
2. Declaration and Power of Attorney from Inventors; and
3. Copy of PTO Notice to File Missing Parts

10/22/2004
Date of Transmission

Linda Marie Sanchez
Linda Marie Sanchez

Number of Pages: (including cover page)

7

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT 212-210-9443.

USER CODE:	MANNA	REQUESTED BY:	Mary Lee Evers
CLIENT/MATTER:	048797/277742	OPERATOR:	

NYC01/7745405v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----)
 In re Application of: Mark Gershburg *et al.*)
)
 Serial Appl. No.: 10/786,680)
)
 Filed: 02/25/2004)
)
 For: Gem Item Report Method)
 And System)
)
 -----)

Docket No.: 048797/277742
 Customer No.: 00826

**RESPONSE TO NOTICE OF MISSING PARTS AND
 REQUEST FOR EXTENSION OF TIME TO RESPOND**

Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Parts of Nonprovisional Application dated May 15, 2004, enclosed please find a properly signed declaration in compliance with 37 CFR 1.63, identifying the application by the application number and filing date, as required. A copy of the notice accompanies this Response.

A late filing fee declaration surcharge as set forth in 37 CFR 1.16(c) of \$65 for a small entity in compliance with 37 CFR 1.27 is also submitted herewith.

Pursuant to 37 CFR 1.136(a), Applicant hereby petitions the Commissioner of Patents to extend the time for reply to the Notice of Missing Parts by four (4) months. As such, an extension fee of \$765.00 for a small entity is due. See 37 CFR 1.17(a)(4).

Please charge the undersigned attorney's Account No. 16-0605 in the amount of \$830.00 to cover the cost of the declaration surcharge (\$65) and four month extension (\$765) for a small

NYC01/7745380v1

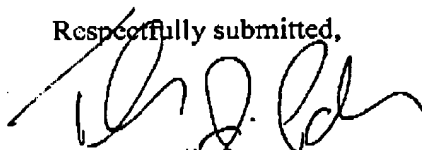
Response to Notice of Missing Parts and Petition for Extension

Serial Appl. No.: 10/786,680

Page 2

entity. Any deficiency or over-payment should be charged or credited to the above-identified deposit account.

Respectfully submitted,



Thomas J. Parker

Registration No. 42,042

Customer No. 00826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

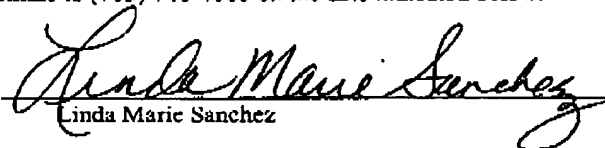
Tel New York Office (212) 210-9400

Fax New York Office (212) 210-9444

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper or fee is being deposited with the United States Patent and Trademark Office via facsimile to (703) 746-4060 on the date indicated below.

By:



Linda Marie Sanchez

Date of Transmission:

10/22/2004

NYC01/7745380v1

OCT-22-2004 10:33 FROM:

TO:USPTO

P.6/7

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/786,680	02/25/2004	Mark Gershburg	0007054-0011

CONFIRMATION NO. 3002

Thomas J. Parker
Coudert Brothers LLP
1114 Avenue of the Americas
New York, NY 10036

FORMALITIES LETTER

OC000000012681931

Date Mailed: 05/17/2004



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

10/25/2004 JBALINAN 00000040 160605 10786680

01 FC:2051 65.00 DA

PAGE 6/7 * RCVD AT 10/22/2004 10:33:48 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7464060 * CSID: * DURATION (mm-ss):02-10

BEST AVAILABLE COPY

OCT-22-2004 10:33 FROM:

TO: USPTO

P. 7/7

Page 2 of 2

Ali

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE